



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Vernal District Office  
170 South 500 East  
Vernal, Utah 84078



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APR 14 1992

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APR 13 1992

DIVISION OF  
OIL GAS & MINING

S/047/048  
SNO-BEN #2

### DECISION

Mr. Leo Snow, et al  
P. O. Box 51  
Jensen, Utah 84035

:  
:  
:

Sno-Ben #4 and #5  
Placer Mining Claim  
Locations Operation

### Notice of Noncompliance Modified

On 12/14/90 I issued a decision which declared that due to your failure to reclaim the disturbances on Sno-Ben #4 and #5 placer mining claim locations I would take measures to reclaim the disturbances, to prevent unnecessary and undue degradation, and would subsequently commence actions to recover costs for reclamation from yourself and Mr. Bennett. You appealed this decision to the Utah State Office, which upheld my decision. You then appealed to the IBLA. IBLA dismissed your appeal on 1/16/92 because a statement of reasons was never submitted.

During the intervening time you have commenced reclamation of the area. On 6/10/91 you were met onsite with Book Cliffs Resource Area Manager Paul M. Andrews and Geologist Richard S. Wilson. It was pointed out to you at that time what reclamation measures you would have to complete in order to satisfy compliance requirements. These included:

1. Remove the stock pile from the top of the hill lying between the road, the old settling pond, and the river.
2. Smooth off the banks or high walls of the "hill" as much as possible to more gentler slopes.
3. Construct three small dams. One in the gully just above the old settling pond, one in the westerly trending gully just east of the road and east of the "hill", and one in the northerly trending gully just south of the road and south of the "hill".
4. Knock down the high wall located just east and north of the old settling pond and remove the liner from the old settling pond.
5. Reseed as necessary.

Why?  
sed/erosion  
control?




Inspections by Richard S. Wilson on 7/31/91 and 8/16/91 indicated that you have satisfactorily removed the stock pile, smoothed off the banks of the "hill" and constructed the three small dams. Consequently I am modifying my decision of 12/14/90 as follows:

You are ordered to complete the remaining required reclamation on Sno-Ben #4 and #5 including knocking down the high wall just east and north of the old settling pond, removing the liner from the old pond, and reseeding the area. Knocking down the high wall and removing the liner shall be accomplished within 30 days of the date of this letter. Reseeding shall be done sometime during the first two weeks in October, 1992. Notify the BCRA Manager when you plan to do this work as he will want it monitored by BLM personnel. You were provided with the seed mix to be used in a letter from me dated 12/10/91. Should you fail to achieve this reclamation by the time indicated I will commence measures to have the site reclaimed and subsequently commence proceedings to collect the expense of such reclamation from you and Mr. Bennett.

Because of your history of Noncompliance, I will require you to file a Plan of Operation in accordance with 43 CFR 3809.1-5 for all future operations on mining claims (including Sno-Ben #4 and #5) located on lands administered by the Vernal District Office of the Bureau of Land Management (entities with records of Noncompliance are now tracked Bureau-wide). Your record of Noncompliance continues for a period of one year from the time full compliance is gained, i.e., from the time you reclaim the site to the satisfaction of the Resource Area. This applies to all future operations except those defined as Casual Use under 43 CFR 3809.0-5(b) and authorized by 43 CFR 3809.1-2. The requirements for filing a Plan of Operation specifically includes those operations that normally would have been conducted under a Notice filed under 43 CFR 3809.1-3. Under Bureau policy a 100 percent reclamation bond will be required along with the Plan of Operation.

You have the right of appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

Sincerely,

  
for David E. Little  
Vernal District Manager

cc: Harold Bennett (P 755 884 241)  
✓ Lowell Braxton, DOGM  
Utah State Office, U-921